

Appl. No. 10/028,086
Reply to Office action of Sep. 27, 2005

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 1. This sheet replaces the original sheet including Fig. 1. In Figure 1, previously omitted element 26 has been added.

Attachment: Replacement Sheet
 Annotated Sheet Showing Changes

REMARKS

In the specification, paragraph [0040] has been amended to correct minor editorial problems.

In amended Figure 1, the previously omitted reference numeral 26 has been added.

Claims 1-36 remain in this application. Claims 2, 5, 15, 26, and 36 have been amended.

Reconsideration of this application in light of the above amendments and the following remarks is requested.

I. Objections to the Drawings

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they did not include a reference sign mentioned in the description. Figure 1 has been amended to include the reference numeral 26. Accordingly, withdrawal of the objections to the Figures is respectfully requested.

II. Claim Objections

Claim 2 was objected to because of an informality. Claim 2 has been amended to include a period at the end of the claim. Accordingly, withdrawal of the objection to claim 2 is respectfully requested.

III. Claim Rejections - 35 U.S.C. §112, first paragraph

Claim 2 was rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claim 2 has been amended to remove the claim terms "signaling plane component" and "media plane component" and to specify that the push to talk server operates as a signaling endpoint and a back-to-back user agent as described in the detailed description. Accordingly, withdrawal of the rejection of claim 2 under 35 U.S.C. § 112, first paragraph, is respectfully requested.

IV. Claim Rejections - 35 U.S.C. §112, second paragraph

Claims 15 and 26 were rejected under 35 U.S.C. §112, second paragraph, for insufficient antecedent basis of the claim term "the PTT server." Claims 15 and 26 have been amended to provide proper antecedent basis for the claim terms. Accordingly, withdrawal of the rejections of claims 15 and 26 under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claim 36 was rejected under 35 U.S.C. §112, second paragraph, for insufficient antecedent basis of the claim term "RPTMG." Claim 36 has been amended to remove the claim term RPTMG. Accordingly, withdrawal of the rejection of claim 36 under 35 U.S.C. §112, second paragraph, is respectfully requested

V. Rejections under 35 U.S.C. § 102

Claim 1

Claim 1 recites the following:

1. A wireless communication network including push-to-talk (PTT) functionality, comprising:
 - a Session Initiation Protocol (SIP) Proxy Server;
 - a SIP Registrar and Location Server operable to store contact addresses of active mobile devices;
 - a PTT Server operable to function as a call endpoint for each of a plurality of mobile devices wherein the plurality of mobile devices are segmented into membership groups, the PTT Server further operable to multicast a communication from one member of the group to the other members of the group; and
 - an Internet Protocol (IP) network interconnecting the SIP Proxy server, the SIP Registrar and Location Server, and the PTT Server.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,477,150 to Maggenti et al. (hereinafter "Maggenti")

The PTO provides in MPEP § 2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 1, to sustain this rejection the Maggenti patent must contain all of the above claimed elements of the claim. However, contrary to the examiner's position that all elements are disclosed in the Maggenti reference, Maggenti does not disclose "a PTT Server operable to function as a call endpoint for each of a plurality of mobile devices" nor a PTT server "operable to multicast a communication from one member of the group to the other members of the group."

With regard to the claim 1 limitation of "a PTT Server operable to function as a call endpoint for each of a plurality of mobile devices wherein the plurality of mobile devices are segmented into membership groups, the PTT Server further operable to multicast a communication from one member of the group to the other members of the group," the Examiner cites Column 4, line 49-Column 5, Line 46 and Column 22, Lines 45-58 of Maggenti as allegedly disclosing such a PTT server. Applicants respectfully disagree.

For example, the Examiner has alleged that a PTT server is disclosed by the communications manager (218) discussed by Maggenti. With regard to communications manager, Maggenti only recites the following in the first passage of Maggenti cited by the Examiner:

In order to participate in group communications CDs 202, 204, 206, 208 and 210 are each equipped with a means for requesting the transmission privilege from a CM (CM) 218, as explained in greater detail below. CM 218 manages the real-time and administrative operation of nets, including PTT request arbitration, maintenance, and distribution of net membership and registration lists, call set-up and tear-down of necessary system and network resources, as well as overall control of net status. Maggenti, Column 5, Lines 38-46.

Thus, the CM only performs managerial functions, such as management of administration operation of user groups (or "nets"), request arbitration, and the like. No description or

suggestion is provided by Maggenti for the CM to operate as "a call endpoint" for each of a plurality of mobile devices as described in the subject application and explicitly recited in claim 1. For at least this reason, Maggenti fails to describe or suggest each limitation of claim 1, and withdrawal of the rejection of claim 1 is thus requested.

With regard to the claim 1 limitation of a PTT server "operable to multicast a communication from one member of the group to the other members of the group," the Examiner cited Column 4, Line 49-Column 5, Line 46, as allegedly disclosing such a PTT server. Applicants respectfully disagree. The cited passage of Maggenti only refers generally to a "point-to-multipoint" communication system in which a single user may "transmit information to other net members at any given time." With regard to the CM, Maggenti only describes administrative operations, such as PTT arbitration, maintenance, and distribution of net memberships, and in no manner describes, suggests, or otherwise alludes to a CM "operable to multicast a communication from one member of the group to the other members of the group."

Additionally, the Examiner cited the following passage of Maggenti as allegedly disclosing a PTT server "operable to multicast a communication from one member of the group to the other members of the group":

The present invention has been designed to take advantage of the development of a cellular multicast channel, if available. Such a channel generically allows one transmitting station to address multiple listening stations, or CDs, directly, without the need for multiple separate rebroadcasts of the transmitted data.

To take advantage of the efficiencies provided by a cellular multicast channel, a net's media signaling and traffic destination addresses would become conventional IP multicast channels, and all CM originated media signaling and traffic broadcasts could become multicast broadcasts. *CD originated media signaling, traffic broadcasts, and SIP signaling would likely remain as point-to-point communications.*

Maggenti, Column 22, Lines 45-58 (emphasis added).

Here, Maggenti describes a multicast transmission from one transmitting station to multiple listening stations. However, such a transmission is not performed through the CM

(Note Maggenti indicates such transmissions would remain point-to-point communications). With regard to the CM originated media signaling and traffic broadcasts that may become multicast broadcasts, such media is originated by the CM and thus does not disclose a PTT server operable to multicast "a communication from one member of the group to the other members of the group" as the media is originated by the CM rather than a group member. Thus, Maggenti clearly fails to describe or suggest a PTT server "operable to multicast a communication from one member of the group to the other members of the group" as disclosed in the subject application and explicitly recited in claim 1. For at least this reason, Maggenti fails to anticipate claim 1, and withdrawal of the rejection is thus requested.

Claim 5

Amended claim 5 recites the following:

5. A method for user activation of push-to-talk (PTT) service in a wireless communication network, comprising:
initiating a session with a PTT Server wherein a user joins a group;
registering a contact for the user for media transmissions to other users in the group;
wherein the contact for the user is the PTT Server.

Claim 5 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,477,150 to Maggenti et al. (hereinafter "Maggenti")

However, contrary to the examiner's position that all elements are disclosed in the Maggenti reference, Maggenti does not disclose a method of registering a contact for a user "for media transmissions to other users in the group" wherein the contact for the user "is the PTT Server."

With regard to claim 5, the Examiner cited the following passage of Maggenti as allegedly disclosing such a method step:

In order to participate in a specific net, CD 202 initially requests that CM 218 add CD 202 to a list of connected net participants for the desired net. The term "connected" means those users who have registered with CM 218 and are at least receiving communications occurring in a net. Hence, CD 202 will initially know or be able to learn the net-address of any nets in which it wishes to participate. Further, CD 202 will initially know or be able to be configured with the address of a top-level server to which SIP requests may be sent.

Maggenti, Column 10, Lines 46-55.

Applicants respectfully disagree. Here, Maggenti only describes a CD joining a net. No description or suggestion is provided by Maggenti for "registering a contact for the user for media transmissions to other users in the group" where the contact "is the PTT Server." For at least this reason Maggenti fails to describe or suggest each limitation of claim 5, and thus fails to anticipate claim 5. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 5.

Claim 15

Amended claim 15 recites the following:

15. A method for push-to-talk (PTT) group calls for users in a wireless communication network, comprising:
receiving a SIP SUBSCRIBE at a PTT Server from a mobile device to request the group's speech token;
transmitting an acknowledge message to the mobile device from the PTT Server wherein the acknowledge message includes a speech token;
receiving, by the PTT server, a half-duplex speech communication from the mobile device;
multicasting the half-duplex speech communication from the PTT Server to other members of a group;
releasing the speech token; and
notifying the group members that the speech token is available.

Claim 15 was rejected under 35 U.S.C. § 102(b) as being anticipated by Maggenti.

However, contrary to the examiner's position that all elements are disclosed in the Maggenti reference, Maggenti does not disclose a method of "receiving, by the PTT server, a half-duplex speech communication from the mobile device" or "multicasting the half-duplex speech communication from the PTT Server to other members of a group."

With regard to the claim 15 limitation of "receiving, by the PTT server, a half-duplex speech communication from the mobile device," the Examiner cited the following passage of Maggenti as allegedly disclosing such a method step:

CD 202 may also support the concept of a "private call"--a half-duplex point-to-point call instigated by the caller pressing the push-to-talk button which is accepted without ringing the callee phone, as occurs in a traditional full-duplex point-to-point call. Maggenti, Column 20, Lines 26-30.

Applicants respectfully disagree. Here, Maggenti is wholly silent with regard to half-duplex reception by a PTT server. For at least this reason, Maggenti fails to anticipate claim 15, and withdrawal of the rejection is respectfully requested.

With regard to the claim 15 limitation of "multicasting the half-duplex speech communication from the PTT Server to other members of a group," the Examiner cited the following passage of Maggenti as allegedly disclosing such a method step:

The present invention is illustrated in functional block diagram format in FIG. 2. Shown is group communication system 200, otherwise known as a push-to-talk system, a net broadcast system, a dispatch system, or a point-to-multipoint communication system. A defining characteristic of such a communication system is that, generally, only one user may transmit information to other users at any given time. In group communication system 200, a group of communication device users, individually known as net members, communicate with one another using a communication device assigned to each net member.

Maggenti, Column 4, Lines 49-59.

Here, Maggenti only generally discloses a point-to-multipoint communication system. Maggenti in no manner describes, suggests, or otherwise alludes to "multicasting the half-duplex speech communication" from a mobile device (as set forth in claim 15) "from the PTT Server to other members of a group."

Additionally, the Examiner cited the following passage of Maggenti as allegedly disclosing the method of “multicasting the half-duplex speech communication from the PTT Server to other members of a group:”

To take advantage of the efficiencies provided by a cellular multicast channel, a net's media signaling and traffic destination addresses would become conventional IP multicast channels, and all CM originated media signaling and traffic broadcasts could become multicast broadcasts. *CD originated media signaling*, traffic broadcasts, and SIP signaling would likely remain as point-to-point communications.

Maggenti, Column 22, Lines 45-58 (emphasis added).

Here, Maggenti describes a multicast transmission *from one transmitting station to multiple listening stations*. However, such a transmission is not performed through the CM (Note Maggenti indicates such transmissions would remain point-to-point communications). With regard to the CM originated media signaling and traffic broadcasts that may become multicast broadcasts, such media is originated by the CM and thus does not disclose “multicasting the half-duplex speech communication from the PTT Server to other members of a group” where the half-duplex speech is transmitted from a mobile device as explicitly set forth in claim 15. Thus, Maggenti clearly fails to describe or suggest a method of “multicasting half-duplex speech” transmitted from a mobile device “to other members of the group.” For at least this reason, Maggenti fails to anticipate claim 15, and withdrawal of the rejection is thus requested.

Independent claim 35 recites similar features as claim 15 and was rejected for similar rationale as claim 15. Therefore, the same distinctions between Maggenti and the claimed invention in claim 15 apply for claim 35, and Maggenti fails to anticipate claim 35. Withdrawal of the rejection to claim 35 is thus requested.

VI. Rejections Under 35 U.S.C. §103

Claim 26

Claim 26 recites the following:

26. A method for PTT private calls for users in a wireless communications network, comprising:
selecting a called party private identification for a private call by a calling party on a mobile device;
selecting a PTT function on the mobile device;
transmitting a SIP SUBSCRIBE including the calling and called parties private identifications to request a speech token;
redirecting the SIP SUBSCRIBE to a PTT Server for purposes of removing the calling party and the called party from a multicast group;
receiving an acknowledge message that includes a speech token;
communicating speech packets from the calling party to the called party in a half-duplex manner;
transmitting a SIP SUBSCRIBE to release the speech token; and
notifying the calling and called parties that the group's speech token is available.

Claim 26 was rejected under 35 U.S.C. § 103 as being unpatentable over Maggenti.

Applicant traverses this rejection on the grounds that the reference is defective in establishing a prima facie case of obviousness with respect to claim 26.

As the PTO recognizes in MPEP § 2142:

... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...

It is submitted that, in the present case, the examiner has not factually supported a prima facie case of obviousness for the following, mutually exclusive, reasons.

1. The Reference Does Not Teach the Claimed Subject Matter

The Maggenti patent cannot be applied to reject claim 26 under 35 U.S.C. § 103 which provides that:

A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ... (Emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, since Maggenti does not teach “redirecting the SIP SUBSCRIBE to a PTT Server for purposes of removing the calling party and the called party from a multicast group,” as is claimed in claim 26, it is impossible to render the subject matter of claim 26 as a whole obvious, and the explicit terms of the statute cannot be met.

The Examiner concedes (Office Action dated 9/27/2005, page 13) that Maggenti fails to disclose the method step of “redirecting the SIP SUBSCRIBE to a PTT Server for purposes of removing the calling party and the called party from a multicast group,” but nonetheless alleges that Maggenti obviates the subject claim and indicates that Maggenti provides the means for redirecting a SIP SUBSCRIBE to the PTT server for purposes of removing the calling party and the called party from a multicast group. However, Maggenti is wholly silent with regard to any such functionality.

Thus, for this mutually exclusive reason, the examiner’s burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

2. The recognition of a problem, or of the source of the problem, is not obvious even though the solution to the problem may be obvious

In the present case, it is apparent from a reading of the Maggenti patent that Maggenti does not recognize the problem of removing a calling party and a called party from a multicast group for purposes of facilitating a private call. Thus, this is a classic example of a solution to a problem being obvious only after recognition of the problem by the applicant and is part of the

“subject matter as a whole” language of 35 USC § 103 which should always be considered in determining the obviousness of an invention under this statute.

Thus, for this independent reason, the examiner’s burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

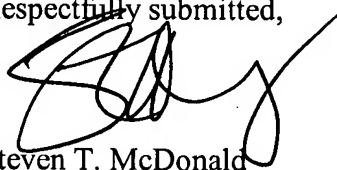
Independent claim 36 recites similar features as claim 26 and was rejected for similar rationale as claim 26. Therefore, the same distinctions between Maggenti and the claimed invention in claim 26 apply for claim 36, and Maggenti fails to obviate claim 36. Withdrawal of the rejection to claim 36 is thus requested

VII. Conclusion

It is clear from all of the foregoing that independent claims 1, 5, 15, 26, 35, and 36 are in condition for allowance. Dependent claims 2-4, 6-14, 16-25, and 27-34 depend from and further limit independent claims 1, 5, 15, and 26 therefore are allowable as well.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

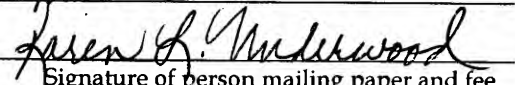
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Dated: 23 December 2005

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